

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. §102(e) in view of U.S. Patent No: 6,486,915 of *Bell et al.* ("*Bell*").

Applicant submits that amended claim 1 is not anticipated by *Bell*. Amended claim 1 is a method for exposure control that includes determining a selected exposure in response to the numbers of clipped pixels contained in photographs obtained using each of a set of possible exposures. *Bell* does not determine a selected exposure in response to the numbers of clipped pixels in obtained photographs as claimed in amended claim 1. Instead, *Bell* determines an exposure setting in response to a maximum value in a pixel histogram of a photograph and a mean value (*Bell*, col. 5, lines 59-63) and a minimum value in the pixel histogram (*Bell*, col. 5, line 66 through col. 6 line 1) and whether a mean value of the pixel histogram is within a tolerable range (*Bell*, col. 6, lines 21-25).

Rather than use the numbers of clipped pixels contained in photographs to determine a selected exposure as claimed in amended claim 1, *Bell* uses the number of clipped pixels in a photograph to adjust the size of a sample window. For example, *Bell* discloses a step 312 in which it is determined whether the number of clipped pixels in a sample window exceeds 5 percent of the total number of pixels (*Bell*, col. 5, lines 15-22) and then states that

If the test in step 312 is true, then this means that the imager's dynamic range is far too small to capture the whole scene's dynamic range. Thus, the current sample window may not be the best window to determine the optimal exposure setting for this particular scene. In this case, operation will proceed with step 316 in which the sample window is

reduced to concentrate effort on determining a final exposure for the main subject, which is likely positioned in the center of the scene. (Bell, col. 6, lines 23-31) (emphasis added). Bell then goes on to select an exposure setting using the smaller sample window by comparing a maximum value in a pixel histogram for the photograph to a mean value (Bell, col. 5, lines 59-62) and comparing a minimum value in the pixel histogram to the mean value (Bell, col. 5, line 66 through col. 6 line 1) and determining whether a mean in the pixel histogram is within a tolerable range (Bell, col. 6, lines 21-25).

In further contrast, amended claim 1 includes obtaining a photograph of an image scene for each of a set of possible exposures. Bell does not teach obtaining a photograph of an image scene for each of a set of possible exposures as claimed in amended claim 1. Instead, Bell teaches obtaining photographs using only the exposure settings that are selected by an automated search methodology. (Bell, col. 1 line 66 through col. 2, line 12). It is submitted that the automated search methodology of Bell does not yield a photograph for each possible exposure setting as does the method of amended claim 1.

It is therefore respectfully submitted that the method for exposure control of amended claim 1 that determines a selected exposure based on the number of clipped pixels for each possible exposure is not anticipated by the exposure control of Bell which determines a selected exposure based on mean values in pixel histograms.

Given that claims 2-4 depend from amended claim 1, it is submitted that claims 2-4 are not anticipated by Bell.

Applicant also submits that amended claim 5 is not anticipated by Bell. Amended claim 5 includes limitations similar to the limitations of amended claim 1. Therefore,

the remarks stated above with respect to amended claim 1 also apply to amended claim 5.

Given that claims 6-8 depend from amended claim 5, it is submitted that claims 6-8 are not anticipated by *Bell*.

It is also submitted that amended claim 9 is not anticipated by *Bell*. Amended claim 9 is a digital camera having an image processor that determines a selected exposure based on the number of clipped pixels obtained for each possible exposure. In contrast, *Bell* discloses an exposure control mechanism that determines an exposure setting by comparing a maximum value in a pixel histogram to a mean value (*Bell*, col. 5, lines 59-62) and comparing a minimum value in a pixel histogram to the mean value (*Bell*, col. 5, line 66 through col. 6 line 1) and determining whether a mean in a pixel histogram is within a tolerable range (*Bell*, col. 6, lines 21-25). In further contrast, an image processor according to amended claim 9 obtains a photograph of an image scene for each of a set of possible exposures whereas *Bell* obtains photographs using only the exposure settings that are selected by an automated search methodology. (*Bell*, col. 1 line 66 through col. 2, line 12).

Given that claims 10-12 depend from amended claim 9, it is submitted that claims 10-12 are not anticipated by *Bell*.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: _____

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